

## UNITED STATES DISTRICT COURT

Southern

District of

New York

Brown Jordan Company

**SUMMONS IN A CIVIL ACTION**V.  
Jean Schulz

CASE NUMBER:

07 CIV 5857  
JUDGE BATT

TO: (Name and address of Defendant)

Jean Schulz  
328 East 59th Street #15  
New York, NY 10022**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)Harry Sandick  
Jenner & Block LLP  
919 Third Avenue, 37th Floor  
New York, New York 10022-3908  
Tel: 212-891-1600  
Fax: 212-891-1699

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

JUN 20 2007

J. MICHAEL McMAHON

CLERK

*Mario Quintero*

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:  <input type="checkbox"/> Returned unexecuted:  <input type="checkbox"/> Other (specify):    		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____</p> <p>Date _____</p> <p><i>Signature of Server</i> _____</p> <p><i>Address of Server</i> _____</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

COURT UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DISTRICT OF NEW YORK

BROWN JORDAN COMPANY,

against

JEAN SCHULZ,

Plaintiff(s)

Defendant(s)

Index No. 07 CIV 5857

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**

SEE ATTACHED RIDER

STATE OF NEW YORK, COUNTY OF NEW YORK

party herein, is over 18 years of age and resides at RYE BROOK, NEW YORK

That on 6/26/07 at 8:30 AM., at 200 LEXINGTON AVENUE, NEW YORK, NEW YORK (IN FRONT OF  
deponent served the within summons, *and complaint on* JEAN SCHULZ

SEE ATTACHED RIDER

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

defendant therein named,

- INDIVIDUAL** by delivering a true copy of *each* to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.
1.  a corporation, by delivering thereat a true copy of *each* to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.
- SUITABLE AGE PERSON** by delivering thereat a true copy of *each* to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.
3.  by affixing a true copy of *each* to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there
- AFFIXING TO DOOR, ETC.** 4.

**MAILING TO  
RESIDENCE**  
USE WITH 3 OR 4

 5A. 

**MAILING TO  
BUSINESS**  
USE WITH 3 OR 4

 5B. 

**DESCRIPTION**  
USE WITH  
1, 2, OR 3

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input checked="" type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input checked="" type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

**USE IN  
NYC CIVIL CT.**

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

**MILITARY  
SERVICE**

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore *ordinary civilian clothes and no military uniform*. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on

6/26/07

JEROME E. GOLDMAN  
NOTARY PUBLIC STATE OF N.Y.  
NO. 02005074020 - KINGS COUNTY  
CERTIFICATE FILED NY COUNTY  
COMMISSION EXPIRES 03 / 10 / 2011

PRINT NAME beneath signature

JOHN DICANIO

License No..... 775208 .....

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X Case No. 07 CIV 5857  
BROWN JORDAN COMPANY,

Plaintiff,

- against -

RIDER TO AFFIDAVIT  
OF SERVICE

JEAN SCHULZ,

Defendant.

-----X

List of Documents served:

- Summons In A Civil Action;
- Order To Show Cause For A Preliminary Injunction With A Temporary Restraining Order;
- Plaintiff's Memorandum of Law In Support Of Its Motion For A Temporary Restraining Order And Preliminary Injunction;
- Individual Practices Of Judge Deborah A. Batts;
- Individual Practices Of Judge Francis;
- Procedures For Electronic Case Filing;
- 3<sup>rd</sup> Amended Instructions For Filing An Electronic Case or Appeal; and
- Guidelines For Electronic Case Filing.